

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

CHANTHAVY RATTANA

Debtor

Chapter 13

Case No. 19-11026-BFK

OBJECTION TO CONFIRMATION OF MODIFIED PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Modified Chapter 13 Plan filed November 18, 2020. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(3) – Good Faith.

- Inadequate notice of the proposed December 18, 2020 confirmation hearing date was given.

Violation of 11 U.S.C. §1325(a)(6) – Feasibility.

- Debtor has not been able to maintain Plan payments to date, and 100% Plan is underfunded as follows:

PERFORMANCE:

Amount of Plan Payment

668.24 x 1	= 668.24
900.17 x 7	= 6,301.19
910.00 x 1	= 910.00
1,000.00 x 46	= 46,000.00

Number of Months

55

0.00 0.00

Total Receipts

53,879.43

Disbursements Required:

Attorney

0.00

Taxes-Other Priority

0.00

Secured

492.12

Unsecured

48,706.14

Other

Trustee

4,919.83

10%

Total Disbursement

54,118.09

Notice of Objection To Confirmation

Chanthavy Rattana, Case # 19-11026-BFK

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on December 18, 2020 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314.¹ If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

¹ Pursuant to the Bankruptcy Court's Protocol in response to COVID-19 Public Health Emergency, parties appearing for hearings shall appear telephonically at the hearing through the Court's CourtSolutions program <http://www.court-solutions.com>.

Notice of Objection To Confirmation

Chanthavy Rattana, Case # 19-11026-BFK

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: December 1, 2020

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of December, 2020, served via ECF authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Chanthavy Rattana
Chapter 13 Debtor
199 Old Centreville Rd.
Manassas, VA 20111

Jeremy Calvin Huang , Esquire
Attorney for Debtor
Chadwick Washington
3201 Jermantown Rd., Suite 600
Fairfax, VA 22030

/s/ Thomas P. Gorman
Thomas P. Gorman